

ORIGINAL

FILED

AUG 14 2014

U.S. COURT OF  
FEDERAL CLAIMS

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

LOUISE RAFTER,

JOSEPHINE RATTIEN,

STEPHEN RATTIEN,

and

PERSHING SQUARE CAPITAL  
MANAGEMENT, L.P.,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant,

FEDERAL NATIONAL  
MORTGAGE ASSOCIATION

and

FEDERAL HOME LOAN  
MORTGAGE CORPORATION,

Nominal Defendants.

14-740C  
CASE NUMBER: \_\_\_\_\_

**NOTICE OF DIRECTLY RELATED CASES**

Pursuant to RCFC 40.2, Plaintiffs Louise Rafter, Josephine Rattien, Stephen Rattien, and Pershing Square Capital Management, L.P. ("Plaintiffs"), through undersigned counsel, hereby provides notice of directly related cases:

- (i) The directly related cases are: *Washington Federal, et al. v. United States*, CFC No. 1:13-cv-00385-MMS; *Fairholme Funds, Inc., et al. v. United States*, CFC No. 13-cv-00465-MMS; *Arrowood Indemnity Company, et al. v. United States*, CFC

No. 1:13-cv-00698-MMS; *Cacciapelle, et al. v. United States*, CFC No. 1:13-cv-00466-MMS; *Fisher, et al. v. United States*, CFC No. 1:13-cv-00608-MMS.

- (ii) Under RCFC 40.2(a)(2), matters qualify as directly related cases when: (A) they involve the same parties and are based on the same or similar claims; or (B) they involve the same contract, property, or patent. This matter, *Washington Federal, Fairholme, Arrowood, Cacciapelle*, and *Fisher* are directly related under subsection (A). All six matters involve alleged takings by the federal government of privately held stock issued by the Federal National Mortgage Association (“Fannie Mae”) and the Federal Home Loan Mortgage Corporation (“Freddie Mac”). Like the plaintiffs in the directly related matters, Plaintiffs here contend that their ability to realize a return on their investments has been deprived by the August 17, 2012 amendment to the Senior Preferred Stock Purchase Agreements between the Federal Housing Finance Agency, acting as conservator for Fannie Mae and Freddie Mac, and the Department of the Treasury. Thus, the claims here are effectively “the same,” and certainly “similar.”
- (iii) Because the directly related cases have all been assigned to Judge Sweeney, assigning this matter to Judge Sweeney would conserve judicial resources and promote the efficient administration of justice, thus fulfilling the purpose of RCFC 40.2(a). See *Exxon Mobil Corp. v. United States*, 89 Fed. Cl. 628, 631 (2009) (“[E]fficiency and consistency are the hallmarks of RCFC 40.2(a).”).

Respectfully Submitted: August 14, 2014

By: Lawrence D. Rosenberg

Lawrence D. Rosenberg  
*Counsel of Record*

*Of Counsel*  
Thomas F. Cullen  
James E. Gauch  
Paul V. Lettow

JONES DAY  
51 Louisiana Avenue, N.W.  
Washington, D.C. 20001  
Tel.: (202) 879-3939  
Fax: (202) 626-1700  
ldrosenberg@jonesday.com

*Counsel for Plaintiffs*